

EXHIBIT A

firm resume



**Herzfeld
Suetholz
Gastel
Leniski
and Wall
PLLC**

**NASHVILLE
LOUISVILLE
CINCINNATI
WASHINGTON, D.C.**



“Our mission is to guide our clients through life’s most difficult times. We are a partnership of smart, trustworthy, and caring lawyers who are committed to providing the best possible legal services to our clients.”



ABOUT HSGLaW

NASHVILLE

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2021 L St. NW
Suite 101-346
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The attorneys at Herzfeld, Suetholz, Gastel, Leniski, and Wall PLLC have decades of experience providing legal representation to individuals and entities across the United States with 24 attorneys and staff from four offices in Nashville, Louisville, Cincinnati, and Washington, D.C. The Firm services clients with a wide range of legal needs, from complex civil litigation involving consumer protection, antitrust, shareholder derivative suits, and securities fraud. The firm dedicates itself to vindicating the rights of employees and labor union members, fighting civil rights violations, advocating for victims of abuse and corporate malfeasance, and advising public utilities.

The Firm's attorneys are also active members in their communities, and have had their accomplishments recognized by local bar associations and regional and national legal organizations. In 2022, the Tennessee Trial Lawyers Association awarded the 2022 Outstanding trial Lawyer of the Year Award to five of the Firm's attorneys for their exceptional work in helping Tennessee local governments (and a minor child) hold drug manufacturers accountable for their role in the state's opioid epidemic.

Statement of Practice

Class Actions and Complex Litigation; Antitrust Law; Mass Tort; Securities Law; Shareholder Derivative Law; Wage & Hour Law; Consumer Protection; Civil Rights Litigation; Labor and Employment Law; ERISA and Pension Law; Commercial Litigation; Utility Law; Municipal Law; Appellate Law; Personal Injury; and Election and Campaign Finance Law.

Members and Attorneys



Tricia Herzfeld
Founding Member

Practice Areas

Civil Litigation, Class Action and Complex Litigation, Antitrust, Mass Tort, Personal Injury, and Civil Rights.

Education

George Washington University (B.A. 1997); George Washington University Law School (2001).

Memberships

Super Lawyers (2012-2016), Davidson County Election Commission, (2012-present) Tennessee Bar Association; Nashville Bar Association; Lawyers Association for Women, Marion Griffin Chapter; Tennessee Trial Lawyers Association

Admissions

- **State:** Tennessee (2007), Florida (2001), West Virginia (2005),
- **Federal:** M.D. Tenn. (2009); E.D. Tenn. (2008); W.D. Tenn. (2010); S.D. W. Va. (2005); N.D. Fla. (2019); S.D. Fla. (2022); E.D. Mich. (2022); U.S. Court of Appeals for the Sixth Circuit (2007), U.S. Court of Appeals for the Fifth Circuit (2013), and U.S. Immigration Courts (2015).



David O'Brien Suetholz
Founding Member

Practice Areas

Union-side Labor Law

Education

Villanova University (B.A. 2000); Notre Dame Law School (2003).

Additional Experience

General Counsel Kentucky Labor Cabinet 2009-2011; Thompson v. North American Stainless, L.P., 562 U.S. 170 (2011) (expanded Title VII protection nationwide).

Admissions:

- **State:** Kentucky (2004); Indiana (2005)
- **Federal:** E.D. Ky. (2005); W.D. Ky. (2005); S.D. Ind. (2005); E.D. Mich. (2021); U.S. Court of Appeals for the Sixth Circuit (2004), U.S. Court of Appeals for the Federal Circuit (2008), Supreme Court of the United States of America (2010).

Members and Attorneys



Benjamin A. Gastel
Founding Member

Practice Areas

Class Actions and Complex Litigation, Antitrust, Product Liability, Consumer Protection and Fraud, and Labor & Employment

Education

University of Dayton (B.S., 2004), Vanderbilt School of Law (J.D., 2007).

Memberships

Nashville, Tennessee, Georgia, and American Bar Associations.

Admissions

- **State:** Tennessee (2010), Tennessee Supreme Court (2010); Georgia (2007); Georgia Court of Appeals (2008); Georgia Supreme Court (2010)
- **Federal:** N.D. Ga. (2008); M.D. Tenn. (2011); E.D. Tenn. (2012); W.D. Tenn. (2012); C.D. Ill. (2020); N.D. Ill. (2022); U.S. Court of Appeals for the Sixth Circuit (2012); U.S. Court of Appeals for the First Circuit (2014).



Joe P. Leniski, Jr.
Founding Member

Practice Areas

Class Actions and Complex Litigation, Antitrust Law, Shareholder Derivative Law, Union-side Labor Law, Employment (Employee-side), Consumer Protection, and ERISA.

Education

University of Notre Dame (B.A., cum laude, 2000), Vanderbilt University Law School (J.D., 2003). Vanderbilt Bar Association, President; Trial Advocacy Association, member; and Vanderbilt Juvenile Practice Clinic.

Memberships

Nashville and Tennessee Bar Associations, American Bar Association, American Association of Justice, Public Justice, Harry Phillips American Inn of Court, Super Lawyers (2012-2019), Class Action Trial Lawyers Top 25, Mass Tort Trial Lawyers Top 25, The National Trial Lawyers Top 100 Civil Plaintiff, Union Lawyers Alliance, and Nashville Bar Fellows.

Admissions

- **State:** Tennessee (2003); Arkansas (2022)
- **Federal:** M.D. Tenn. (2004); E.D. Tenn. (2005); W.D. Tenn. (2008); E.D. Ark. (2016); W.D. Ark. (2016); N.D. Okla. (2014); E.D. Wisc. (2019); E.D. Mich. (2022); U.S. Court of Appeals for the First Circuit (2014); U.S. Court of Appeals for the Third Circuit (2015); U.S. Court of Appeals for the Sixth Circuit (2005); U.S. Court of Appeals for the Eighth Circuit (2011)

Members and Attorneys



Michael J. Wall
Founding Member

Practice Areas

Civil Litigation, Labor & Employment, ERISA, Class Actions and Complex Litigation, Utilities and Appellate Law.

Education

Vanderbilt University (B.A., 2002); Vanderbilt University Law School (J.D., 2005).

Memberships

Nashville, Tennessee, and American Bar Associations.

Admissions

- **State:** Tennessee (2005)
- **Federal:** M.D. Tenn. (2006); W.D. Tenn. (2008); E.D. Tenn. (2009); U.S. Court of Appeals for the Sixth Circuit (2006); U.S. Court of Appeals for the Eleventh Circuit (2010); U.S. Court of Appeals for the Eighth Circuit (2011); and the U.S. Supreme Court (2009).



Alyson Beridon
Member

Practice Areas

Class Actions and Complex Litigation, Civil Litigation, Consumer Fraud, and Labor & Employment.

Education

University of Evansville (B.A., 1998); Salmon P. Chase College of Law at Northern Kentucky University (2010).

Memberships

Cincinnati, Kentucky, Ohio, and Tennessee and American Bar Associations, AFL-CIO Union Lawyers Alliance.

Admissions

- **State:** Ohio (2011); Kentucky (2017); Tennessee (2022)
- **Federal:** S.D. Ohio (2013); N.D. Ohio (2019); W.D. Ky. (2019); E.D. Ky. (2018); M.D. Tenn. (2022); W.D. Tenn. (2022); U.S. Court of Appeals for the Sixth Circuit (2020).

Members and Attorneys



Anthony A. Orlandi
Member

Practice Areas

Class Action Litigation; Complex Litigation; Constitutional Rights Litigation; Employment Law, General Civil Litigation; Telephone Consumer Protection Act Litigation.

Education

Brown University, B.A. (2003), Public Policy & American Institutions, Phi Beta Kappa; University of Virginia School of Law (J.D.) (2006), Earle K. Shawe Labor Relations Award

Memberships

Member, Tennessee and Nashville Bar Associations; Phi Beta Kappa, National Chapter and Rhode Island Chapter; Board Member, Law Association for Women, Nashville Chapter; Hearing Examiner, Tennessee Board of Professional Responsibility; Harry Phillips American Inn of Court, Barrister (2016-2020); Tennessee Bar Association Leadership Law Class of 2017; Nashville Bar Foundation 2015 Young Leadership Forum

Additional Experience

Law Clerk, Hon. Aleta A. Trauger, U.S. District Court for the Middle District of Tenn.

Admissions

- **State:** Tennessee (2015); Massachusetts (2006); Kentucky (2022)
- **Federal:** M.D. Tenn. (2015); E.D. Tenn. (2016); W.D. Tenn. (2015); D. Mass. (2005); E.D. Ark. (2017); W.D. Ark. (2017); E.D. Mich. (2023); U.S. Court of Appeals for the Sixth Circuit (2016); U.S. Court of Appeals for the Eighth Circuit (2018)



Daniel Hull
Member

Practice Areas

Complex Civil Litigation; Class Actions and Mass Torts; Construction Law; Employment Law; Public Utility and Eminent Domain

Education

Carson-Newman University (B.A., 1999), University of Tennessee (M.A., 2001), and University of Tennessee College of Law (J.D., 2005).

Memberships

Tennessee Trial Lawyers Association

Admissions

- **State:** Tennessee (2005)
- **Federal:** M.D. Tenn. (2006); E.D. Tenn. (2011); W.D. Tenn. (2019); E.D. Mich. (2022).

Members and Attorneys



Edward Gleason

Member

Practice Areas

Union-side Labor Law, ERISA, Labor and Employment-Related Civil Litigation, and Labor and Employment Related Administrative Proceedings.

Education

Fordham University Phi Beta Kappa (B.A. 1986); Dickinson School of Law with distinction, (1989).

Additional Experience

Adjunct Professor Georgetown University Law Center for fourteen years, Pro-Bono International Labor Rights, General Counsel of Marine Engineers Beneficial Association (1996-99, 2002-2007), Counsel for International Brotherhood of Teamsters, Carhaul and Airline Divisions (2007-2013), Chief Counsel to Teamsters Local 1224 (2013-present).

Admissions

- **State:** Pennsylvania (1989), Washington, D.C. Bar (1991)
- **Federal:** U.S. Courts of Appeal for the Second, Third, Seventh, Ninth, D.C. Circuits; United States Supreme Court (1998).



Pamela Newport

Member

Practice Areas

Union-side Labor and Plaintiff-side Employment.

Education

University of Cincinnati (B.A., 2001); University of Cincinnati (M.A., 2004); University of Cincinnati (J.D. 2005).

Memberships

AFL-CIO Union Lawyers Alliance (ULA) Board of Directors; AFL-CIO Union Lawyers Alliance (ULA) Member, American Bar Association, Labor & Employment Law Section, Co-Chair of the Technology Subcommittee of the Employment Rights & Responsibilities Committee; Contributing Editor, Developing Labor Law Treaties, Adjunct Professor, University of Cincinnati College of Law, 2009-2011; Cincinnati Interfaith Workers Center Board Member, 2006-2008

Admissions

- **State:** Ohio (2005)
- **Federal:** S.D. Ohio (2007); N.D. Ohio (2013); S.D. Ind. (2017); W.D. Tenn. (2019); U.S. Court of Appeals for the Sixth Circuit (2019)

Members and Attorneys



Megan Killion
Senior Counsel

Practice Areas

Antitrust, Class Actions and Complex Litigation, and Personal Injury

Education

Belmont University (B.S., 2005); Vanderbilt University School of Law (J.D., 2008).

Admissions

- *State:* Tennessee (2008)



Clement L. Tsao
Senior Associate

Practice Areas

Union-side Labor and Employment

Education

Brown University (A.B., 2003) and University of Cincinnati College of Law (J.D. 2012).

Memberships

American Bar Association - Labor and Employment Section, AFL-CIO Union Lawyers Alliance (Board Member, 2016-2018).

Admissions

- *State:* Ohio (2013); Kentucky (2014)
- *Federal:* S.D. Ohio (2013); N.D. Ohio (2015); W.D. Ky. (2020); E.D. Ky. (2016); E.D. Mich. (2021); U.S. Court of Federal Claims (2013); U.S. Federal Court of Appeals (2014); U.S. Court of Appeals for the Sixth Circuit (2021)



Peter Jannace
Associate

Practice Areas

Union-side Labor and Employment, Administrative Law, Appellate Advocacy, Civil Rights, Class Actions and Complex Litigation, and Constitutional Law.

Education

University of Louisville (B.S., 2010) and Hofstra University School of Law (J.D., 2013).

Admissions

- *State:* Kentucky (2014)
- *Federal:* W.D. Ky. (2014); U.S. Court of Appeals for the Sixth Circuit (2019).

Members and Attorneys



Rachel L. Rekowski

Associate

Practice Areas

Union-side Labor and Employment law.

Education

Xavier University, Political Science (B.A., 2009) and University of Cincinnati College of Law (J.D. 2022).

Memberships

Ohio Bar Association, Union Lawyers Alliance, and American Bar Association.

Admissions

- **State:** Ohio (2022)



Gary Eby

Of Counsel

Education

University of Cincinnati College of Law, Juris Doctor Degree (1976), University of Cincinnati, M.A. in Industrial Relations (1984), University of Cincinnati, B.A., (1973).

Practice Areas

Labor and Employment and Employee Benefits.

Admissions

- **State:** Ohio (1976); Kentucky (1992)
- **Federal:** S.D. Ohio (1976), E.D. Ky. (1982); W.D. Mich. (2010); District of Columbia Court of Appeals (1990); U.S. Court of Appeals for the Sixth Circuit (1977), U.S. Court of Appeals for the Fourth Circuit (1984),

Noteworthy Cases

Attorneys with Herzfeld, Suetholz, Gastel, Leniski and Wall PLLC have served as lead counsel, plaintiffs' executive committee member, or counsel of record in a substantial number of precedent-setting class actions, multi-district litigation proceedings, and, antitrust, labor, shareholder derivative, securities, and other complex cases both in state and federal courts. Their efforts have produced significant monetary recovery and other benefits for plaintiffs across the country. The founding members formed HSGLaW to build on their decades of legal experience and to continue their work holding corporations accountable, fighting for workers' rights and wages, and ensuring that governments respect the civil rights of all individuals. The following is a list of notable complex litigation cases in which HSGLaW's attorneys have performed substantial work and achieved superior results for their clients.

CLASS ACTIONS

- **In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation**, MDL No. 2672 CRB (N.D. Cal.) (J. Breyer). The Firm’s attorneys served as counsel in a coordinated action consisting of nationwide-cases of consumer and car dealerships alleging that Volkswagen AG and Volkswagen Group of America, and other defendants illegally installed so-called “defeat devices” in their vehicles which allowed the cars to pass emissions testing but enabled them to emit nearly forty-times the allowable pollution during normal driving conditions. The court granted final approval to a settlement fund worth over \$10 billion to consumers with 2.0 liter diesel engines, and in May 2017, the court granted final approval to a \$1.2 billion settlement for consumers with 3.0 liter diesel engines, and a \$357 million settlement with co-defendant Bosch.
- **In re Nissan N. Am., Inc. Litig.**, 3:19-cv-00843, 3:19-cv-00854, 3:22-cv-00098 (M.D. Tenn.) (J. Campbell): Attorneys at the Firm served as counsel of record in a class action against Nissan related to faulty brake systems, successfully petitioning the Court to certify the case as a damages class action across 10 states.
- **Stringer v. Nissan N. Am., Inc., et al.**, 3:21-cv-00099 (M.D. Tenn.) (J. Campbell): Attorneys served as counsel in class action lawsuit against Nissan concerning faulty continuous variable transmission (CVT) systems. Court approved a settlement valued at nearly \$278 million in benefits for class members.
- **Irika Skeete et al. v. RePublic Schools Nashville**, No. 3:16-cv-0043 (M.D. Tenn.) (J. Crenshaw). Attorneys served as class counsel for a certified class of individuals with claims under the TCPA who received unsolicited spam texts to their cellular telephones. The Court approved a \$2.2 million settlement, resulting in claimants receiving over one-thousand dollars each in what is believed to be amongst the highest per-claimant TCPA recoveries.
- **Elrod, et al. v. NoTax4 Nashville, et al.**, No. 20-cv-617, 2021 WL 1316703 (M.D. Tenn.) (J. Richardson). Attorneys and partnering firm obtained class certification for recipients of unlawful prerecord robocalls and final approval of a class settlement of over \$1 million.
- **Ajose v. Interline Brands, Inc.**, No. 14-cv-01707 (M.D. Tenn.) (J. Campbell): Attorneys served as counsel in class action lawsuit against Interline Brands related to defective toilet part. Court approved a \$16.5 million class settlement.
- **In re Nortel Networks Corp. “ERISA” Litigation**, No. 3:03-MD-1537 (M.D. Tenn.) (J. Nixon). Attorneys served as co-lead counsel in a 401k/ESOP class action suit brought on behalf of pension plan participants against fiduciaries of Nortel Network Corp. for violation of duties owed under ERISA. The court approved a settlement that provided a minimum recovery of \$21.5 million plus access to additional monies held by others.

Noteworthy Cases

CLASS ACTIONS

- **In re: Reciprocal of America (ROA) Sales Practices Litigation**, No. 03-CV-2859 (W.D. Tenn.) (J. Breen). Attorneys represented people and entities which purchased or were insured, or made a claim on or received payment under a policy issued by Doctors Insurance Reciprocal and/or The Reciprocal Alliance, who sued for unpaid insurance claims and costs associated with purchasing replacement insurance. A class settlement was reached valued at \$15 million.
- **In re: King Pharmaceuticals, Inc. Derivative Litigation**, Civil. No. Boo19077 (M) (Sullivan Chancery, Tennessee)(Judge McLellan). Attorneys served as lead counsel in a shareholder derivative action against the Board of Directors and certain officers at King Pharmaceuticals alleging various breaches of fiduciary duty, abuse of control, unjust enrichment and waste of corporate assets. The parties settled the case for substantial and material revisions to the Company's corporate governance practices.
- **In re: CaremarkRX, Inc. Stock Option Litigation**, Civil No. 06-C-1329 (Davidson County, Tennessee). Attorneys acted as co-lead counsel in litigation against the board of directors of Caremark RX, Inc. alleging breach of fiduciary duties resulting from the Board's attempt to merge the company with CVS Corporation, Inc. and extinguish their liability for improperly backdating stock option grants to certain Board members and high-ranking officers at the Company. A settlement was reached that provided for corporate governance reforms concerning the granting of options, additional disclosures to voting shareholders prior to the merger vote, and recognition that the case indirectly resulted in additional compensation to shareholders.
- **M.S. Wholesale v. Westfax et al.**, 58CV-15-442 (Circuit Court of Pope County, Arkansas) (J. Sutterfield). Attorneys served as co-lead counsel on behalf of individuals and entities in a nationwide class action under the Telephone Consumer Protection Act (TCPA) involving the sending of illegal junk facsimiles. The Court granted final approval to a class settlement worth \$5.45 million.
- **Howell v. Eastman Credit Union**, Master Case No. C42517 (Sullivan Cnty. Tenn. Cir. Ct.). Attorneys assisted in briefing and obtaining approval of \$3.25 million settlement for class of current and former credit union members assessed challenged overdraft and insufficient funds fees.
- **Duling v. Mid-American Credit Union**, 2021-CV-001679-OT (District Court of Sedgwick Co., Kansas) (J. Mitchell). Attorney helped defeat a motion to compel arbitration at the trial court level and on appeal (see 521 P3d 1145 (Kan. Ct. App. 2022)), in putative consumer class action against a large Midwest credit union for assessing illegal overdraft fees.
- **Walkingstick v. Simmons Bank**, 6:19-cv-3184 (W.D. Mo.) (J. Ketchmark). Attorney successfully argued for final approval of a \$2.5 million class action settlement against Simmons Bank to refund challenged overdraft fees.
- **Horton v. Molina Healthcare, Inc.**, 4:17-CV-0266-CVE-JFJ (N.D. Okla.) (J. Eagan). Attorneys served as co-lead counsel on behalf of individuals and entities in this national class action under the TCPA regarding the sending of illegal junk facsimiles. Court granted final approval to a class settlement worth \$3.5 million.
- **Davis Neurology, P.A. v. Dental Equities LLC, d/b/a Peer United et al.**, Case No. 4:16-cv-00371-BSM (E.D. Ark.) (J. Miller). Attorneys acted as lead counsel in this nationwide class action brought under the TCPA regarding the sending of illegal junk facsimiles to individuals and business entities. Court finally approved a \$1.525 million class-wide settlement.
- **In re Xcel Energy, Inc. ERISA Litigation**, Civ. 02-2677 (D. Minn.) (Doty). Attorneys served as co-lead counsel in a 401k/ESOP class action suit brought on behalf of the pension plan against fiduciaries of Providian Financial Corp. for violation of duties owed under ERISA. Settlement reached that provided an \$8.6 million cash payment to the Plan for participants, lifted stock restrictions in the Plan with a value between \$38 million and \$94 million, and allowed the Plan to recover in parallel securities action.

Noteworthy Cases

- **Bach v. Amedisys et al.** (Case No. 3:10-CV-00395 (Derivative Litigation) – D. La.) – Co-Lead Counsel for Derivative Plaintiffs suing officers and directors of Amedisys for their role causing the Company to bill Medicare for medically-unnecessary home therapy visits to patients, settlement resulted in corporate governance changes and reforms to internal controls.
- **Indiana State District Council of Laborers and HOD Carriers Pension Fund v. Renal Care et al.** (Case No. 05-1392-II – Chancery Court for Davidson Cty., Tenn.) – Co-Lead Counsel for Plaintiff suing officers and directors of Renal Care Group, Inc. both directly and derivatively on behalf of the Company regarding the sale of Renal Care to Fresenius Medical Care AG, resulting in a \$4 million settlement.
- **Davis Neurology PA v. DoctorDirectory.com, et al.**, 4:19-cv-00499 (E.D. Ark.): Attorneys served as class counsel certified class action over junk marketing faxes, culminating in a multi-million dollar settlement value for the class.
- **East Palestine Consolidated Cases/Atkinson v. Norfolk Southern Corp., et al.**, 4:23-cv-00363 (N.D. Ohio.): Attorneys appointed to Plaintiffs' Steering Committee in consolidated cases brought by residents, property owners, and businesses against Norfolk Southern for its role in the train derailment and toxic chemical spill in East Palestine, Ohio.
- **In re: New England Compounding Pharmacy Product Liability Action**, 1:13-md-02419 (D. Mass) (J. Zobel). The Firm's attorneys represented hundreds of individuals injured as a result of exposure to tainted pharmaceuticals manufactured at New England Compounding Pharmacy in Framingham, Massachusetts. This litigation stems from the 2012 nationwide outbreak of fungal meningitis that, according to the Center for Disease Control, injured over 750 people nationwide and led to over 60 deaths. Over 100 Tennesseans were injured as a result of the catastrophe and 17 Tennesseans lost their lives. Following NECC's bankruptcy, settlement of claims against the bankrupt estate resulted in the creation of a \$210 million tort trust. The litigation then turned to litigating the remaining claims against the doctors, clinics, and other healthcare providers that exposed their patients to tainted pharmaceuticals from NECC. The Court determined the first bellwether trials were to be against Tennessee-based defendants. All of the Tennessee cases were settled just prior to the first bellwether trial.

MASS TORT

- **Staubus et al., v. Endo Pharmaceuticals, Inc., et al.**, C-41916 (Circuit Court for Sullivan County at Kingsport, Tennessee) (J. Moody). Attorneys served as co-lead counsel in a case involving claims on behalf of twenty-seven cities and counties and one child born drug-dependent in upper Northeast Tennessee against numerous prescription drug manufacturers and doctors under the Tennessee Drug Dealer Liability Act due to their participating in an illegal drug market for opioids. Two defendants, Purdue Pharma and Mallinckrodt, declared bankruptcy in during the litigation. Plaintiffs reached a settlement with doctor defendants, and the remaining manufacturing defendants, Endo Pharmaceuticals, Inc., and Endo Health Solutions, Inc., settled the plaintiffs' claims on the eve of trial for \$35 million, representing the largest per capita recovery against the Endo Defendants in any opioid-related litigation in the country to that point.

Noteworthy Cases

ANTITRUST CASES

- **In re: Wellbutrin XL Antitrust Litigation**, No. 08-2433 (E.D. Penn.) (Judge McLaughlin). Attorneys served as Co-Lead counsel in an antitrust class action against pharmaceutical companies GlaxoSmithkline and Biovail on behalf of third-party payors alleging that defendants violated Tennessee, California, Florida, Wisconsin, and Nevada laws by colluding to illegally suppress a cheaper generic form of the blockbuster drug Wellbutrin XL from reaching the market. Through the efforts of the Firm and other co-lead counsel, plaintiffs were able to achieve certification of a class of indirect purchasers. Biovail reached a settlement and the remaining claims were resolved in GSK's favor.
- **In re: Prograf Antitrust Litigation**, No. 11621 (D. Mass) (J. Zobel). Serving in the role of Co-Lead Counsel, the Firm's attorneys represented a putative class of indirect purchaser plaintiffs in a nationwide antitrust action against Astellas Pharma, Inc., alleging that defendant illegally delayed entry of generic Prograf into the marketplace by filing a sham Citizen Petition with the Food and Drug Administration. Achieved partial class certification and withheld motions for summary judgment. The Court granted final approval to a class-wide settlement award of \$13.25 million.
- **In re: Skelaxin (Metaxalone) Antitrust Litigation**, No. 1:12-cv-194 (E.D. Tenn.) (J. Collier). Attorneys supported Lead Counsel in an antitrust class action on behalf of end-payors regarding monopoly practices which prevented the sale of generic Skelaxin, a muscle-relaxant prescription drug. The case against defendant Mutual Pharmaceuticals, Inc. was settled on a class basis for a sum total of \$9 million, and has been finally approved. The lawsuit against defendant King Pharmaceuticals, Inc. was settled on a non-class basis on behalf of the named plaintiffs.
- **In re: High Pressure Laminate Antitrust Litigation (Tennessee)**: Attorneys served as co-lead counsel in class action in Davidson County, Tenn. Circuit Court by indirect purchasers of a high pressure laminates and associated products across 12 states and D.C. The case culminated in a settlement of over \$5.1 million, which the trial court approved and the Tennessee Court of Appeals upheld on appeal.
- **Cates v. Crystal Clear Techs., LLC**, No. 16-6714 (6th Cir. 2017): Attorneys served as lead counsel in a putative class of owners within a residential development alleging antitrust claims for (inter alia) an unlawful tying arrangement for the provision of cable services. After district court dismissed the action, Attorneys obtained reversal of the unlawful tying arrangement on appeal.
- **In re: Loestrin 24 FE Antitrust Litigation**, No. 1:13-md-2472-S-PAS (D.R.I.) (J. Smith). Attorneys worked with the Executive Committee of purchasers claiming that Warner Chilcott PLC signed a series of anti-competitive deals with Watson Pharmaceuticals Inc. and Lupin Pharmaceuticals Inc. that settled litigation over Loestrin and another oral contraceptive with a variety of early entry dates and exclusive sales rights. Though initially dismissed by the district court, the First Circuit revived the case in February 2016. The district court rejected the drugmakers' renewed dismissal efforts in August 2017. The case was eventually settled for \$63.5 million for a certified class of third-party payors.

In re: Effexor Antitrust Litigation, No. 3:11-cv-5661 (D.N.J.) (J. Pisano) (pending). Firm Attorneys represent one of the named Class Representatives and have been active in discovery under the direction of lead counsel in this end payor antitrust class action against defendants Wyeth Pharmaceuticals, manufacturer of antidepressant medication Effexor XR, and Teva Pharmaceuticals. This lawsuit alleges Defendant Wyeth unlawfully procured the patents underlying Effexor XR, filed sham litigation against generic

Noteworthy Cases

ANTITRUST CASES

- **In re: Effexor Antitrust Litigation, (CONT.)** competitors, and then entered into anti-competitive settlement agreement with Teva in order to delay the arrival of generic forms of Effexor XR, causing plaintiffs to pay supracompetitive prices for Effexor XR, when they could have paid for far cheaper generics. The case is currently in the discovery phase.
- **Sherwood et al. v. Microsoft Corporation**, No. 99-C-3562 (Davidson Circuit, Tennessee) (Judge Kurtz). Attorneys supported lead counsel in a consumer and indirect purchaser Tennessee class action against Microsoft Corporation alleging violation of the Tennessee Consumer Protection Act and the Tennessee Trades Act. A settlement was reached that was valued at \$64 million.

WAGE & HOUR / LABOR & EMPLOYMENT CASES

- **Thompson v. North American Stainless, L.P.** 562 U.S. 170 (2011). Member David O'Brien Suetholz litigated a Title VII retaliation case for seven years on behalf of the son of a Union pipefitter who was terminated shortly after his fiancé filed an EEOC complaint against their mutual employer. The unresolved question was whether a third party is protected from retaliation solely because of their close relationship with the person engaging in protected activity. After winning at the Sixth Circuit Court of Appeals and losing before the en banc Sixth Circuit Court of Appeals the Supreme Court of the United States accepted and resolved the question in favor of the Plaintiff Eric Thompson. Justice Antonin Scalia wrote for the unanimous Court that Title VII prohibits retaliation against closely related third parties because harming loved ones is the oldest and most effective form of retaliation.

- **Int'l Brh'd of Teamsters, Local 651 v. Philbeck**, 5:10-cv-105-DCR (E.D.KY 2018). Firm attorneys successfully litigated action requesting temporary restraining order and permanent injunction by Local Union to secure control of Facebook page belonging to the Union.
- **Matthew Denholm, RD of NLRB Region 9 v. Smyrna Ready Mix Concrete, LLC**, 5:20-cv-320-REW (E.D.KY 2019). Firm attorneys successfully litigated NLRB charges culminating in complaint for 10(j) injunctive relief where federal district court order the reinstatement of seven drivers and their plant manager and the reopening of a concrete plant.
- **Zeon Chemicals, L.P. v. UFCW Local 72-D**, 949 F.3d 980 (6th Cir. 2020). Firm attorneys successfully appealed a district court's reversal of the Union's arbitration victory for an unjustly terminated member who was ordered reinstated with full back pay.
- **Churchill Downs Racetrack LLC v. Laborers Local 576**, 2020 WL 6946574 (W.D.KY 2020). Firm attorneys successfully defended an arbitration award that ordered the company to cease subcontracting housekeeping and maintenance work at an off-track facility covered by the contract. The effect of the arbitrator and district court's holding was to increase the size of the Union's bargaining unit by one-third.
- **Workforce Development Cabinet v. Gaines**, 276 S.W.3d 789 (KY 2008). Member David O'Brien Suetholz successfully appealed to the Kentucky Supreme Court a decision that denied the protection of the public whistleblower protection statute to a state employee who reported waste, fraud or abuse to officials in her own Cabinet. The Supreme Court decision had the effect of expanding whistleblower protections for public employees in Kentucky.

Noteworthy Cases

CIVIL RIGHTS AND SEXUAL ASSAULT CASES

- **Joshua Lipscomb v. Metro. Gov't of Nashville & Davidson Cnty.**, No. 22-0501-1 (Chancery Ct. for Davidson Cnty., Tenn.) (Chancellor Moskal). Attorneys and partnering firm obtained a preliminary injunction to preserve constitutional rights of local firefighter who was unlawfully disciplined for engaging in free speech, culminating in a \$450,000 settlement.
- **Arnold v. Cornerstone Church of Nashville, Inc., et al.**, No. 16C1131 (Davidson Cnty., Tenn. Cir. Ct. 2017) (J. Gayden). Attorneys represented a sexual assault survivor, obtained sanctions against the church for discovery misconduct. The case resolved resolved in a confidential settlement.
- **Juana Villegas v. Metro. Gov't of Nashville & Davidson Cnty.**, No. 11-6031 (6th Cir. 2012). Attorneys filed an amicus brief in support of an immigrant woman forced to give birth in shackles, and in which Sixth Circuit found in favor of that victim on her claims.
- **Doe v. Corrections Corporation of America**, 3:15-cv-00068 (M.D. Tenn. 2016). (J. Trauger & J. Todd Campbell) Attorneys represented women alleging unconstitutional, invasive, strip searches in a Tennessee prison.
- **Escobar v. Gaines**, 3:11-cv-994 (M.D. Tenn. 2011). Attorneys represented immigrants who were unlawfully arrested in their homes, resulting in a \$310,000 settlement from Immigration and Customs Enforcement and the Nashville Police Department, a confidential monetary settlement with additional defendants, and 7 years of deferred action status for the noncitizen plaintiffs.
- **Occupy Nashville v. Haslam**, No. 3:11-cv-01037 (M.D. Tenn. 2011) (J. Trauger). Attorneys represented Occupy Nashville protestors to protect their First Amendment rights, including a temporary injunction preserving their right to protest.
- **Dilks v. City of Thompson Station**, 3:16-cv-2845 (M.D. Tenn. (J. Trauger): Attorneys were lead counsel in an action enjoining Thompson Station from enforcing a sign ordinance in violation of the First Amendment.
- **Harwell v. City of Mt. Juliet**, 3:16-cv-2374 (M.D. Tenn.) (J. Trauger): Attorneys served as lead counsel on First Amendment case involving an illegal sign ordinance and successfully negotiated a consent permanent injunction preventing the City from enforcing the unlawful ordinance.

Notable Reported Decisions

- **Jared Effler, et al. v. Purdue Pharma, et al.**, 614 S.W.3d 681 (Tenn. 2020): Landmark ruling holding that drug companies can be held liable as “drug dealers” under Tennessee’s Drug Dealer Liability Act, including upholding claims of plaintiff baby born drug dependent.
- **Cates v. Crystal Clear Techs., LLC**, 874 F.3d 530 (6th Cir. 2017): overturning grant of motion to dismiss on antitrust claims related to alleged unlawful tying arrangements.
- **Davis Neurology PA v. DoctorDirctory.com LLC, et al.**, 896 F.3d 872 (8th Cir. 2018): vacating trial court motion to dismiss and remanding to state court for lack of jurisdiction, in lawsuit that ultimately resolved as a class settlement under the Telephone Consumer Protection Act for recipients of junk advertising faxes.
- **In re Nissan N. Am., Inc. Litig.**, 2023 WL 2749161, No. 3:19-cv-00843, 3:19-cv-00854, 3:22-cv-00098 (M.D. Tenn. Mar. 31, 2013): certifying Rule 23(b)(3) damages classes for multiple states concerning defective brakes in Nissan vehicles.
- **Staubus v. Purdue Pharma, L.P.**, No. 2:17-CV-122-TAV-CLC, 2017 WL 476788 (E.D. Tenn. Oct. 20, 2017): granting plaintiff’s motion to remand for lack of diversity jurisdiction, in decision subsequently cited as persuasive authority in remand orders in other opioids lawsuits.
- **Skeete v. Republic Schools Nashville**, No. 3:16-cv-0043, 2017 WL 2989189 (M.D. Tenn. Mar. 2017): granting class certification in class action challenging unlawful robo-texts under the Telephone Consumer Protection Act.
- **Dunaway v. Purdue Pharma, L.P.**, 391 F. Supp. 3d 802 (M.D. Tenn. 2019): Denying defendant’s motion to stay, granting plaintiff’s motion to remand, and remanding matter to state court for lack of federal question jurisdiction. Decision subsequently cited as persuasive authority nationwide in other stay denials and remand orders in opioids lawsuits.
- **Doe v. Wilson County School System**, 564 F. Supp. 2d 766 (M.D. Tenn. 2008): granting judgment after trial to plaintiff for violation of establishment clause rights of a kindergartner.
- **Friedmann v. Corrections Corp. of Am.**, 310 S.W.3d 366 (Tenn. Ct. App. 2009) (submitted an amicus brief): submitted an amicus brief, finding that defendant prison operator was the functional equivalent of a governmental agency and therefore subject to open records requests.
- **Escobar v. Gaines**, No. 3:11-cv-0994, 2014 WL 4384389 (M.D. Tenn. Sept. 4, 2014): Denying defendant’s motion for summary judgment in case alleging civil rights violations associated with law enforcement raid of an apartment complex.
- **Doe v. Corrections Corporation of America**, No. 3:15-cv-68, 2015 WL 4067765 (M.D. Tenn. July 2, 2015): denying motion to dismiss in case alleging unconstitutional strip searches of female visitors to Tennessee prison.

Notable Reported Decisions

- **Akridge v. Finnegan**, No. 3:13-cv-00588, 2016 WL 743416 (M.D. Tenn. Feb. 22, 2016): Order largely denying motion for summary judgment concerning unreasonable search and seizure.
- **Clarke v. City of Franklin**, 639 S.W.3d 602 (Tenn. Ct. App. 2021), appeal denied (Oct. 14, 2021): upholding grant of summary judgment in plaintiff's favor on liability of city for unlawful liens and overturning trial court decision denying homeowners' monetary damage award.
- **Doup v. Van Tuyl Grp. LLC**, 2021 WL 1541552 (N.D. Tex. 2021): Denying motion to dismiss and rejecting defendant's argument that court lacked subject matter jurisdiction over claims against Berkshire Hathaway affiliate under Telephone Consumer Protection Act for unlawful marketing calls.
- **Duling v. Mid-American Credit Union**, 521 P.3d 1145 (unpublished) (Kan. Ct. App. Dec. 16, 2022): affirming trial court decision denying motion to compel arbitration in putative class action challenging overdraft fee assessments.
- **In re High Pressure Laminate Antitrust Litigation**, 2006 WL 3681147 (Tenn. Ct. App. Dec. 13, 2006): Upholding class settlement for the benefit of indirect purchaser class.
- **Indiana State Dist. Council of Laborers v. Brukardt**, 2009 WL 426237 (Tenn. Ct. App. Feb. 19, 2009): Reversing and remanding trial grant of motion to dismiss.
- **Hitchcock v. Cumberland Univ. 403(b) DC Plan**, 851 F.3d 552 (6th Cir. 2017): reversing and remanding trial court grant of motion to dismiss